



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

BDE PROCEDURE MEMORANDUM

NUMBER: 40-04

**SUBJECT: Addressing Impaired Waters/TMDLs
in Project Environmental Documentation**

DATE: June 30, 2004

This memorandum supplements the information in 23-2.02(i), 24-3.07(i), 25-3.07(f), and 25-3.09(i) of the BDE Manual. The information in this memorandum will be incorporated in the Manual in a future update.

Background

Under Section 303 of the federal Clean Water Act, the Illinois Environmental Protection Agency (IEPA) is required to identify waters of the State that do not meet applicable water quality standards or that do not fully support their designated uses. Use categories for water bodies in Illinois include the following: aquatic life, primary contact (swimming), secondary contact (recreation), public water supply, fish consumption, and indigenous aquatic life). For each water body, IEPA will determine one of three possible "use-support" levels for the categories designated for that water body: fully supporting (Full), partially supporting (Partial), or not supporting (Nonsupport). Full use support means that the water body attains the designated use. Partial use support means that the water body incompletely attains the designated use. Nonsupport means the water body does not attain the designated use. All water bodies assessed as partial support or nonsupport for any designated use are identified as "impaired" and are included on a list, referred to as the Section 303(d) list. For impaired water bodies, IEPA identifies potential "causes" and "sources" of impairment for the designated uses.

The Clean Water Act requires development of a Total Maximum Daily Load (TMDL) for each pollutant of an impaired water body. The TMDL determines the load, or quantity, of any given pollutant that can be allowed in a particular water body and establishes the pollutant reduction goal necessary to improve an impaired water body. Limitations imposed by TMDLs may affect highway projects located in proximity to impaired waters where the projects have the potential to contribute pollutants that are subject to the limitations. Accordingly, the Section 303(d) list waters, and any associated TMDLs, must be appropriately considered and addressed in highway project development.

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As of the issuance date for this memorandum, the Section 303(d) list, along with information on completed TMDLs and TMDLs under development, is available on the IEPA Internet site at <http://www.epa.state.il.us/water/tmdl/>.

Applicability

The procedures in this memorandum are applicable to all State highway projects.

Procedures

Section 303(d) Waters Information

When a proposed project may result in impacts to water quality/resources, the environmental documentation for the action should identify whether any of the potentially affected water bodies or water body segments are included in the current Section 303(d) list. For Environmental Impact Statements and Environmental Assessments, this information should be a part of the "Affected Environment" discussion. For other types of environmental documentation, the information identifying the Section 303(d) list waters should be a part of the environmental consequences discussion. If water bodies or segments identified in the Section 303(d) list will be potentially affected, indicate the year for which the referenced Section 303(d) list was prepared and include the following information from the list for each potentially affected water body or segment:

- Water Body Name – Indicate the name of the water body shown on the list.
- Designated Uses – Indicate the designated uses listed for the water body (use the word descriptions rather than the numeric codes) and the use-support level (i.e., Full, Partial, or Nonsupport) for each designated use.
- Causes – Indicate the causes of impairment listed for the water body (use the word descriptions rather than the numeric codes).
- Sources – Indicate the sources listed for the causes of impairment (use the word descriptions rather than the numeric codes).

For each potentially affected water body or segment on the Section 303(d) list, also indicate whether a TMDL is under development or has been finalized.

Environmental Consequences Discussion

The discussion of the project's effects on Section 303(d) listed waters should address how those effects relate to the various constituents ("Causes") that resulted in the impaired waters designation. Indicate whether the project may contribute to an increase or decrease in any of the constituents causing the impairment. If the project would potentially contribute to an increase in those constituents, identify the specific constituents, describe the anticipated

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increase, and discuss practicable mitigation measures that can be implemented to reduce or eliminate that contribution. Also describe the anticipated contribution level from the project with the mitigation measures that will be implemented.

If a TMDL has been finalized for the impaired water, discuss any aspects that would apply to construction or operation of the highway project (e.g., Best Management Practices) and discuss how the project will respond to the TMDL provisions.

Engineer of Design and Environment

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